

City of Fort Lauderdale Planning and Zoning Board**STAFF REPORT**

Case No. 142-R-04

January 19, 2005

| | | |
|--|--|-------------------------------|
| Applicant | Emil Pawuk Family Trust | |
| Request | Site Plan Level IV/Retail, Restaurant & Scuba Diving Training | |
| Location | 429 Seabreeze Blvd. | |
| Legal Description | Las Olas By The Sea, Portion of Lots 5-8, PB 1, P 16 | |
| Property Size | 0.92 acres (40,287 sq ft.) | |
| Zoning | SBMHA | |
| Existing Land Use | Restaurant and Office | |
| Future Land Use Designation | Regional Activity Center | |
| Comprehensive Plan Consistency | Consistent with Future Land Use Element, Objective 35 | |
| Other Required Approvals | City Commission Approval | |
| Applicable ULDR Sections | Sec. 47-25.2, Adequacy Requirements, 47-25.3, Neighborhood Compatibility, 47-12.6, Central Beach Development Permitting and Approval | |
| Setbacks/Yards Front Rear Side | Required | Proposed |
| | 20' | Existing 57'5" |
| | 20' | Existing 16'5" |
| | 10' | Existing 3'10" |
| | 10' | Existing 157'11" |
| Lot Density | N/A | No Residential Units Proposed |
| Lot Size | N/A | 0.92 acres |
| Lot Width | N/A. | N/A. |
| Building Height | Max.150' | Existing 19'7" |
| Structure Length | 200' | Existing 100' |
| Floor Area Ratio | 5.0 Maximum | Existing 0.27 |
| VUA Landscaping | 20% of VUA = 6680 s.f. | Existing 2900 s.f. |
| Open Space | N/A | N/A |
| Parking | 54 | 58 |
| Notification Requirements | Sign Notice 15 days prior to meeting | |
| Action Required | Recommend Approval, Approval with Conditions, Denial | |
| Project Planner | Name and Title | Initials |
| | Jim Koeth, Principal Planner | |
| | Chris Barton, AICP, RLA, Principal Planner | |
| | Marc LaFerrier, AICP, Planning and Zoning Director | |

Request:

The applicant proposes a change of use on the first floor from all restaurant to a combination of restaurant and retail use. The restaurant will include outdoor dining on the waterway as well. Also, the project will include a scuba diving excursion business that proposes to offer twice per day scuba diving excursions. The scuba diving excursions will accommodate twenty-seven (27) divers and will depart from a boat docked at the existing Pro Dive dock. The second floor will include existing office uses.

Property/Project Description:

The property is located in the South Beach Marina and Hotel Area (SBMHA) zoning district in the Central Beach Area. The proposal consists of 1,340 sq. ft. of restaurant, 5,162 sq. ft. of retail, 4,050 sq. ft. of office and a twenty-seven (27) passenger dive boat.

The applicant made application to the Board of Adjustment (BOA) on April 14, 2004. The BOA approved (7-0) a temporary use approval for one year for the retail operation as part of the ground floor restaurant. The temporary use approval will expire on April 14, 2005. This retail operation is currently in operation.

Parking and Traffic:

The site will have two, two-way ingress/egress access drives from Seabreeze Blvd. The project requires fifty four (54) parking spaces with the project providing fifty eight (58) parking spaces. A portion of the required parking spaces will be valet parking only. The applicant will be required to provide and have a valet parking agreement approved.

Adequacy and Neighborhood Compatibility:

The applicant has provided narratives addressing both Adequacy and Neighborhood Compatibility Requirements. The narratives are attached to the site plan. Staff concurs with the applicant's statements regarding the adequacy requirements but the Board is to determine compliance with neighborhood compatibility.

The site is surrounded by the Fort Lauderdale Aquatic Center, the Doubletree Hotel and a two story commercial building.

The Central Beach Alliance has provided a letter in support of this application. This letter is attached to the plans.

Comprehensive Plan Consistency:

The existing and proposed uses are consistent with the Future Land Use Element's Objective 35 which states: Increase the City's attractiveness to tourists through the establishment of a land use pattern aimed at accommodating increased tourism while enhancing the area's natural and man-made environments such as beaches, shorelines and marine facilities.

Staff Determination:

Staff concurs with the applicant's assessment that this proposal complies with the ULDR.

Should the application be approved, the following conditions are recommended:

1. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
2. Final DRC approval.
3. Approval of a Valet Parking Agreement prior to Final DRC approval.
4. No outdoor public address system or amplified music will be permitted and if such amplification systems are used indoors, all doors and windows are to remain closed while in operation.
5. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.

Planning and Zoning Board Option:

1. The Planning and Zoning Board shall determine that the proposed development or use meets or does not meet the standards and requirements of the ULDR and criteria for Site Plan Level IV development and shall forward its recommendations to the City Commission.

City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant.